

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JASON LEE VAN DYKE
Plaintiff

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v.

Case No. 4:18cv247

THOMAS CHRISTOPHER RETZLAFF
a/k/a Dean Anderson d/b/a BV Files, Via
View Files L.L.C., and ViaView Files
Defendant

PLAINTIFF'S MOTION FOR COURT-ORDERED DISMISSAL

Plaintiff, Jason Lee Van Dyke, files this motion to dismiss under Rule 41(a)(2) of the Federal Rules of Civil Procedure.

I. FACTS

1. Plaintiff is Jason Lee Van Dyke. Defendant is Thomas Christopher Retzlaff.
2. This case was removed to this Court from the 431st District Court in and for Denton County, Texas on April 10, 2018. On the same day, Defendant timely filed a *pro se* motion to dismiss this proceeding pursuant to the Texas Citizens Participation Act ("TCPA"). ECF 5. Defendant subsequently retained counsel in this case and timely filed an amended motion to dismiss under the TCPA on May 22, 2018. ECF 44.
3. This Court denied Defendant's motion to dismiss under the TCPA on July 24, 2018. By agreement of the parties, this Court stayed all further proceedings in this case on July 31, 2018. This Court's denial of Defendant's motion to dismiss under the TCPA is currently pending before the 5th Circuit Court of Appeals.
4. This lawsuit ultimately boils down to only one issue: whether Defendant has a constitutional right to tortiously interfere with Plaintiff's law practice and engage in the non-stop harassment of Plaintiff. During the pendency of this lawsuit, Defendant has

committed countless unlawful acts against Plaintiff and members of Plaintiff's family. Plaintiff has made multiple reports of these acts to law enforcement, and no action has been taken against Defendant.

II. GROUNDS

6. Plaintiff wishes to dismiss this lawsuit because he is of the opinion that, short of locking Defendant in a prison cell for the rest of his natural life, there is nothing that this or any other court can do that will stop Defendant from continuing to harass Plaintiff. There is no resolution of this case that will stop Defendant's behavior. Defendant has already placed Plaintiff in dire financial straits and, simply put, Plaintiff lacks the time and resources to continue litigating against a lunatic.
7. Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiff hereby notifies this Court that Defendant refuses to stipulate to a dismissal. See Exhibit "A".
8. By this motion, Plaintiff hereby withdraws all motions that he has pending before this Court.
9. Plaintiff has no opinion concerning whether this lawsuit should be dismissed with or without prejudice to refiling. The manner of dismissal is ultimately of little consequence to Plaintiff because he has no desire or intent to continue litigating against Defendant.
10. Defendant has not filed any counterclaims against Plaintiff prior to the filing of this motion to dismiss.
11. Defendant will not be prejudiced by the dismissal of this lawsuit. Throughout this entire case, Defendant's only objective has been to harass Plaintiff as much as humanly

possible, to cripple his finances, to ruin his reputation, and to destroy his law practice.

Defendant has succeeded in that objective.

12. Plaintiff does not desire oral argument on this motion because Plaintiff is of the opinion that oral argument will not assist this Court.

III. PRAYER

13. Plaintiff prays that this Honorable Court enter an order dismissing this above-captioned lawsuit.

Respectfully submitted,

/s/ Jason Lee Van Dyke

Jason L. Van Dyke

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CERTIFICATE OF CONFERENCE

Plaintiff has made a reasonable attempt to confer with opposing counsel concerning this motion. The response received by Plaintiff is attached hereto as Exhibit "A" and incorporated by reference herein. Accordingly, this motion is presented to the Court for consideration.

/s/ Jason Lee Van Dyke

JASON L. VAN DYKE

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was electronically filed on the CM/ECF System, which will automatically serve a Notice of Electronic Filing on Jeffrey Dorrell, Attorney for Defendant.

/s/ Jason Lee Van Dyke

JASON LEE VAN DYKE